

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL D. MORALES VALLELLANES

Plaintiffs,

v.

CIVIL NO. 97-2459 (JAG/GAG)

JOHN E. POTTER, et. al.

Defendants

NOTICE TO THE COURT

TO THE HONORABLE COURT:

COME NOW the defendants and through the undersigned attorneys respectfully submits that pursuant to this Court's Order at Docket Entry No. 292 of September 8, 2006, it left room for a possible agreement between the parties as to the presentation of psychiatric testimonies at trial if **both parties** agree to the same and conclude any discovery as to this on or before September 30, 2006.

However and notwithstanding the above, plaintiff, in flagrant disregard for this Court's Order and burying any possible agreement between the parties, failed to appear without any excuse whatsoever, to Defendants' previously scheduled examination and evaluation set for Monday, September 11, 2006 at 1:30 pm before Ramón O. Fortuño, M.D.

Plaintiff's conduct, once again, shows his contumaciousness. He has faded or dissipated any possible agreement between the parties as to the presentation of psychiatric testimonies at trial. The defendants were receptive to a possible agreement but, now, it has become impossible because of plaintiff's non-

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appearance at defendants' psychiatric evaluation. The defendant have been left with no room for compromise because Plaintiff's conduct has deprived the defendants with the only opportunity to properly examine and evaluate his psychiatric and emotional condition as alleged in the complaint.

WHEREFORE, the defendants respectfully request from this Honorable Court that it take notice of the above stated.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to: Miguel Miranda, Esq.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 12th day of September 2006.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

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